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JUN 16 2004

FAX TRANSMISSION

DATE: June 16, 2004

PTO IDENTIFIER: Application Number 09/922568-Conf. #9670
Patent Number

Inventor: Udo BARON et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (703) 872-9506

FROM: LAHIVE & COCKFIELD, LLP

DeAnn F. Smith

PHONE: (617) 227-7400

Attorney Dkt. #: TTV-088CPADV2

PAGES (Including Cover Sheet): 7

CONTENTS: Two Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page);
Notice of Appeal (1 page);
Fee Transmittal (1 page with duplicate);
Certificate of Transmission under 37 CFR 1.8 (1 page);
Change of Attorney Docket Number (1 page); and
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LAHIVE & COCKFIELD, LLP

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Telephone: (617) 227-7400 Facsimile: (617) 742-4214

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PTO/SB/17 (10-03)

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FEE TRANSMITTAL for FY 2004		Complete if Known																																																																																																																																																																															
Effective 10/01/2003 Patent fees are subject to annual revision		Application Number	09/922568-Conf. #9670																																																																																																																																																																														
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ADDITIONAL FEES <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for a partial reexamination</td><td></td></tr> <tr><td>1804</td><td>920</td><td>1804</td><td>920</td><td>Requesting publication of SIF prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840</td><td>1805</td><td>1,840</td><td>Requesting publication of SIF after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td>420.00</td></tr> <tr><td>1253</td><td>850</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td>330.00</td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - 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late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for a partial reexamination		1804	920	1804	920	Requesting publication of SIF prior to Examiner action		1805	1,840	1805	1,840	Requesting publication of SIF after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	420	2252	210	Extension for reply within second month	420.00	1253	850	2253	475	Extension for reply within third month		1254	1,480	2254	740	Extension for reply within fourth month		1255	2,010	2255	1,005	Extension for reply within fifth month		1401	330	2401	165	Notice of Appeal	330.00	1402	330	2402	165	Filing a brief in support of an appeal		1403	290	2403	145	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,330	2453	665	Petition to revive - unintentional		1501	1,390	2501	665	Utility issue fee (or reissue)		1502	480	2502	240	Design issue fee		1503	640	2503	320	Plant issue fee		1480	130	1480	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(c)		1806	180	1806	180	Submission of information Disclosure Sim		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))		1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))		1801	770	2801	385	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application	
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Name (Print/Type)	DeAnn F. Smith	Registration No. (Attorney/Agent)	36,683																																																																																																																																																																														
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I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no (703) 872-9306, on the date shown below

Date: June 16, 2004

Signature: *DeAnn F. Smith*

(DeAnn F. Smith)

PTO/SB/31 (08-03)

Approved for use through 07/31/2008 OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) TTV-088CPADV2	
In re Application of Udo BARON et al.			
Application Number 09/922568-Conf #9670		Filed August 3, 2001	
For TRANSGENIC ORGANISMS HAVING TRANSCRIPTIONAL ACTIVATORS WITH GRADED TRANSACTIVATION POTENTIAL			
Art Unit 1636		Examiner C. X. Qian	

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 330.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is \$ _____

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 12-0080. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

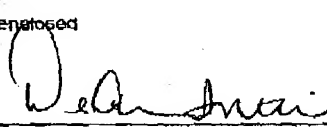
I am the

☐ applicant/inventor

☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☐ attorney or agent of record. Registration number _____

☒ attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) 36,683


Signature
DeAnn F. Smith
Typed or printed name
(617) 227-7400
Telephone number
June 16, 2004
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of 1 forms are submitted.

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Dated, June 16, 2004

Signature: 

(DeAnn F. Smith)